

**PROPOSED GENERAL PERMIT GP 97-001
BEACH NOURISHMENT AND RESTORATION
IN THE STATE OF HAWAII**

1. INTRODUCTION: In accordance with Part 325 of Title 33, Code of Federal Regulations, the Honolulu District Engineer of the U.S. Army Corps of Engineers (Corps), has determined that the attached general permit, GP 97-001 should be issued to State, local, and private agencies, and to the general public to restore and enhance beach areas in waters of the United States, under the jurisdiction of the Honolulu District. If issued, it is expected that approximately 20 to 30 individual projects would be authorized by GP 97-001.
2. APPLICABLE STATUTORY AUTHORITY: Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.
3. PURPOSE: The purpose of the proposed general permit is to expedite authorization of minor non-controversial projects. Activities that do not conform to the provisions and limitations of GP 97-001 will require an individual permit from the Corps and/or a project-specific Section 401 Water Quality Certification and Coastal Zone Management consistency determination. The general permit is intended to provide the benefits of reducing delays, duplications, paperwork, and resource demands in preparing permit applications and permit processing, resulting in cost-savings to both permit applicants and to the Government.
4. NEED FOR A FEDERAL EIS: The Corps' permit regulations provide that general permits can be issued only for activities that are substantially similar in nature, and that cause only minimal individual or cumulative adverse environmental impact. Based on a preliminary assessment of the impacts of the general permit, the Corps has determined that authorization of this general permit complies with these criteria and would have no significant effect on the natural or human environment. Therefore, under the provisions of the National Environmental Policy Act of 1969, a Federal Environmental Impact Statement (EIS) will not be prepared.
5. IMPACTS OF ACTIVITIES AUTHORIZED BY GENERAL PERMIT GP 97-001: Unavoidable impacts associated with restoration and enhancement of beach areas are temporary and localized increases in turbidity and burial of slow moving and sessile organisms. Living organisms in these high energy nearshore/beach face areas are expected to be minimal. Turbidity impacts will be mitigated to the extent possible through adherence to Best Management Practices,

the general and special conditions included in the general permit. In addition, other special conditions may be added to individual authorizations on a case-by-case basis.

6. **IMPACT ON CULTURAL RESOURCES:** General condition b. of the attached general permit requires work stoppage and notification in the event that items of potential historical or archaeological significance are discovered during activities authorized by this permit. No adverse impacts to these resources are expected.

This notice has been sent to the State Historic Preservation Officer and to the National Park Service. Any comments they have on cultural resources will be considered before a final decision is made on the proposed general permit authorization.

7. **IMPACT ON ENDANGERED SPECIES:** The probable project areas are not anticipated to support federally endangered or threatened species, or their critical habitat. In addition, special condition a. of the attached general permit prohibits authorized activities from adversely affecting wildlife.. No adverse effect on these species is expected as a result of authorizations under the general permit.

This notice has been sent to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they have on endangered or threatened species, or their critical habitat, will be considered before a final decision is made on the proposed general permit authorization.

8. **OTHER GOVERNMENT AUTHORIZATIONS/CERTIFICATIONS:** A Section 401 Water Quality Certification, or waiver thereof, and a Coastal Zone Management consistency determination, or waiver, for activities to be authorized by GP 97-001 are pending.

9. **EVALUATION FACTORS:** The decision whether to issue the proposed general permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Evaluation of the impacts of the activities to be authorized will include application of the Guidelines for Specification of Disposal Sites for Dredged or Fill Material promulgated by the Environmental Protection Agency at 40 CFR Part 230.

10. **COMMENTS AND INQUIRIES:** Interested parties may submit any comments that they have on the proposed general permit, in writing, to the address on the letterhead.

Written inquiries and comments should be mailed to this office no later than 30 days from the date of this notice and should refer to General Permit GP 97-001. All comments received by the end of the comment period will be considered by the Corps in the decision to issue, modify or deny the general permit authorization. Further information may be obtained from Ms. Kathleen Dadey, Environmental Engineer, Operations Division, Honolulu Engineer District, Building 230, Fort Shafter, Hawaii, 96858, telephone (808) 438-9258, extension 15.

11. REQUEST FOR PUBLIC HEARING: Any person may request, in writing, within 30 days of the date of this notice, that a public hearing be held to consider issuance of the proposed general permit. Requests for public hearing must specifically state the reasons for holding a public hearing.

Authorization No. General Permit GP 97-001

Effective Date:

Expiration Date:

**DEPARTMENT OF THE ARMY
GENERAL PERMIT GP 97-001
BEACH NOURISHMENT AND RESTORATION
IN THE STATE OF HAWAII**

1. **INTRODUCTION:** In accordance with Part 325 of Title 33, Code of Federal Regulations, the District Engineer of the U.S. Army Corps of Engineers, Honolulu Engineer District (Corps), authorizes this general permit pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Under this general permit, the Secretary of the Army authorizes the general public, groups, and public agencies public to restore and enhance beach areas in waters of the United States, under the jurisdiction of the Honolulu District, subject to the following specifications, limitations, and conditions.

2. **APPLICABLE AREAS:** The provisions of this general permit is applicable to waters of the United States, including navigable waters, in the State of Hawaii.

3. **EXCLUDED AREAS AND ACTIVITIES:** This general permit does not authorize the following:

a. Beach nourishment or enhancement when the Corps determines that the public interest requires regulation through an individual permit.

b. Beach nourishment or enhancement in known turtle nesting areas during egg-laying and hatching periods.

c. Beach nourishment or enhancement in designated endangered species critical habitat, sanctuaries and refuges, without the written consent of the U.S. Fish and Wildlife Service and/or facility manager.

d. Beach nourishment or enhancement in areas where properties included in or eligible for inclusion in the National Register of Historic Places are located, without the written consent of the State Historic Preservation Officer.

e. Beach nourishment or enhancement in areas of recognized biological importance such as coral reefs, mud flats, vegetated shallows, fish spawning grounds and areas of concentrated shellfish production.

f. This general permit does not authorize jetties, breakwaters, piers, groins, seawalls or any other form of shoreline hardening.

4. **SCOPE AND LIMITATIONS OF AUTHORIZED WORK:** This general permit will apply only to the following specific activities:

a. Placement of clean coarse-grained material, free of fines and other potential contaminants and compatible with the existing substrate, below the high tide line for the purposes of beach nourishment and/or enhancement.

b. Construction or installation of temporary erosion protection, such as silt fences, during placement operations.

c. Placement of offshore submerged berms of material compatible with the surrounding area for the purposes of retaining sand on the adjacent beach by reducing the strength and/or frequency of waves and currents impinging on the shoreline.

d. Pumping of sand from the nearshore area directly onto the beach area, or into porous geotextile containers and placement of such containers on the beach or in the nearshore area.

5. **WATER QUALITY CERTIFICATION AND COASTAL ZONE MANAGEMENT CONSISTENCY DETERMINATION:** The Clean Water Branch, Environmental Management Division, State Department of Health has issued a Section 401 Water Quality Certification covering activities to be authorized under GP 97-001. The Office of Planning, Coastal Zone Management Program Office concurs with the Corps' determination of consistency with the Hawaii Coastal Zone Management Program.

6. **GENERAL CONDITIONS:** The following general conditions apply to all activities authorized under this general permit:

a. You must maintain the beach nourishment or enhancement work authorized by this general permit in good condition and in conformance with all terms and conditions of this permit. This requirement remains valid if you abandon the permitted activity, although a good faith transfer to a third party may be made in compliance with General Condition 3. Abandonment of authorized projects may require restoration of the area.

b. If you discover any historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

c. If you sell or transfer the property associated with this permit, you must obtain the transferee's written agreement to comply with all terms and conditions of this permit. You must forward a copy to this office to validate the transfer of authorization.

d. You must allow representative(s) from this office to inspect the permitted activity at any time deemed necessary to ensure that it is in compliance with the terms and conditions of this permit.

e. This permit does not grant any property rights or exclusive privileges.

f. This permit does not authorize any injury to property or rights of others.

g. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.

h. This permit does not authorize interference with any existing or proposed Federal project.

i. In issuing authorizations under GP 97-001, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by GP 97-001.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of GP 97-001 or any individual authorization.

j. The determination of this office that issuing an authorization for an individual project under this general permit is not contrary to the public interest was made in reliance of the information you provide in connection with the request for work authorization.

k. This office may reevaluate its decision on this general permit or any individual authorization at any time the circumstance warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this general permit.

b. The information you provided in connection with the request for work authorization proves to be false, incomplete or inaccurate.

c. Significant new information surfaces which this office did not consider in reaching the original decision to issue the general permit or an individual authorization.

Reevaluation may result in a determination that it is appropriate to modify, suspend or revoke the general permit or an individual authorization, as provided in 33 CFR 325.7 or to use enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. Enforcement may result in the issuance of an administrative order requiring you to comply with the terms and conditions of the general permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) complete the corrective measures by contract or otherwise and bill you for the cost.

l. If an individual activity authorized by this general permit is not completed within two years of authorization (the Notice of Authorization will specify expiration date), the authorization, if not previously modified, revoked or specifically extended, will automatically expire. Activities which have commenced or are under contract to commence before the date of the expiration will remain authorized under the present terms and conditions of the general permit provided the activity is completed within twelve months of the expiration date. If the general permit GP 97-001 expires prior to the expiration date on the Notice of Authorization, the terms and conditions of GP 97-001 will remain valid until such date.

m. Unless there are circumstances requiring either a prompt completion of the authorized activity or an reevaluation of the decision to permit a project, the Corps will normally give favorable consideration to a request for an extension of the time limit for completing the permitted work.

7. SPECIAL CONDITIONS: The following special conditions apply to all activities authorized under this general permit:

a. When the Corps is appropriately notified by either the U.S. Fish and Wildlife Service or the State Department of Land and Natural Resources that an individual activity or activities is adversely affecting fish or wildlife resources or their harvest, the District Engineer will direct the permittee(s) to perform remedial measures. The permittee(s) must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect.

b. No activity authorized by this general permit may substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species which normally migrate through the area.

c. Extreme care shall be taken to ensure that no debris, petroleum products, or other deleterious materials or wastes be allowed to fall, flow, leach, or otherwise enter any water body.

d. You must make every effort to remove litter, trash and other debris from the project area following completion of construction.

e. You must submit written compliance reports to this office, including a final report within two months of completion of the authorized project. The compliance reports must include, as appropriate, descriptions of the construction activities, discussion(s) of any deviations from the proposed project design and the cause of these deviations, results of environmental monitoring, discussion(s) of any necessary corrective action(s), and photographs documenting the progress of the permitted work.

f. Best Management Practices and monitoring, consistent with those included in the Attachment will be followed. Best Management Practices are key operations intended to minimize pollution and other adverse environmental impacts. Monitoring will be undertaken to ensure that adverse impacts do not occur as a result of the permitted activities.

8. PROCEDURES FOR WORK AUTHORIZATION: The following procedures will be used for individual activities to be authorized under this general permit:

a. The applicant or authorized representative will notify this office in writing of the proposed work at least 30 days prior to the planned date of work. When the Corps receives sufficient information from the applicant, the Corps will notify the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, the State Historic Preservation Officer, Coastal Zone Management Program Office, Department of Health and the State Department of Land and Natural Resources of proposed activities at least 20 days prior to the date that an activity will begin and will consider their comments before authorizing the project.

b. The following information and documents must be submitted:

1. Name of applicant mailing address and the name and telephone number of the responsible official.
2. Plans that include vicinity and plan maps, profile and cross-sectional views of the proposed activity.
3. Description of the type, composition, and quantity of the material to be placed, the method of placement, the length of time and estimated frequency of placement activities.
4. Date activity is expected to commence.
5. Name of contractor, if applicable.

c. This office will review the request and comments from coordinating agencies to determine if the proposed activity conforms to the conditions of the general permit. If the proposed project can be authorized under the general permit, we will so inform the applicant in writing. No work shall begin prior to receipt of the letter of authorization. If the proposed work does not conform to the general permit, this office will notify the applicant that the application must be processed under the individual permit procedures (or Nationwide permit procedures, where appropriate). We would then initiate permit processing under the appropriate permit procedures.

d. The length of time required to process each request under this general permit will be directly related to the adequacy and completeness of the information submitted by the applicant.

The general permit will become effective on the date of the District Engineer's signature.

ATTACHMENT: BEST MANAGEMENT PRACTICES AND MONITORING
DEPARTMENT OF THE ARMY GENERAL PERMIT 97-001

The purpose of these Best Management Practices and Monitoring is to ensure that no adverse water quality or other environmental impacts occur as a result of activities authorized by this general permit.

1. An individual, designated responsible for environmental monitoring, must be on-site during all in-water work. This individual will conduct visual inspections, perform water quality sampling and other environmental monitoring, and report all results to the Corps. The designated person may be the applicant or agent, but may not be employed by the contractor performing the work. The individual's name and a contact telephone number must be provided to the Corps. This person will perform, or be responsible for, monitoring before, during and after construction. This person will also report appropriate information to the Corps.

1. Appropriate and effective silt containment devices must be used to minimize the spread of turbidity that results from activities authorized by GP 97-001. All silt containment devices must be in place prior to the start of in-water work and will remain in place until completion of in-water work, including removal of any temporary fills.

2. Material to be used for beach nourishment/enhancement must be sand sized material and free of contaminants, including toxic chemicals, debris, and fine-grained material. Analysis of the material may be required by the Corps prior to authorization.

3. Fueling, repair and other activities with any potential to release pollutants must occur far enough above the upper reaches of the water and in such a manner as to ensure that they have no effect on waters of the U.S.

4. The design, construction and maintenance of permitted activities will not disrupt the migration or other movement of aquatic life inhabiting the water body.

5. If a visible turbidity plume and/or floating petroleum products are observed outside of the containment area (defined as the extent of the silt containment devices), the following measures must be taken:

- a. All in-work will cease.
- b. The permittee or contractor will inform the Corps immediately; the Corps will consult with the Department of Health and other appropriate agencies.
- c. The site shall be inspected to ascertain the source of the plume.
- d. Control measures will be refurbished, modified, and/or improved, e.g., silt containment devices will be repaired.
- e. Work shall continue only after the plume or oil is no longer visible.

6. Monitoring will consist of visual inspection of the project site(s) and will be documented with photographs and written descriptions. Photographs should be taken prior to, during and after reconstruction activities, as well as (if possible) before, during and after unusual events, such as large storms.